

THE AMENDMENT

Claims 1-36 are in the case. Claims 23 and 29 have been amended. The amendments to claims 23 and 29 are to correct grammatical errors that are obvious from their context.

The amendment to the Specification at page 1 is to update the Cross Reference to Related and Co-pending Applications.

Applicants respectfully submit that the Amendment does not introduce new matter and request that the Amendment be entered.

REMARKS

1. A Brief Summary of One Embodiment of Applicants' Invention

In one embodiment, the present invention is directed to a gaming bonus device for use in a gaming system including a primary gaming device that generates a bonus-qualifying event. A bonus game acts in response to the bonus-qualifying event. The bonus game generates and displays one or more binary symbol outcomes entitling a player to a predefined payout issued to a player when the player wins depending upon the number of similar binary symbol outcomes displayed. The binary symbols are spinning coins, each having a head and a tail side, which are associated with the primary gaming device and are selectively spun and shown. A multiplier random number generator is associated with the bonus game and automatically selects a multiplier for the payout issued to a player when the player wins. The player can be allowed to select a winning outcome.

2. Rejection of claims 1-6, 8, 10-17, 24, 28-30, 34 and 36 under 35 USC §102(e) as being anticipated by Baerlocher et al. (U.S. Patent No. 6,315,664).

Claims 1-6, 8, 10-17, 24, 28-30, 34 and 36 stand rejected under 35 USC §102(e) as being anticipated by Baerlocher et al. Applicants respectfully traverse the rejection.

Baerlocher et al. purports to disclose a gaming device having a bonus scheme wherein players may choose one or more indicators which either award bonus values or terminate the bonus round based on a mathematical calculation using a predetermined probability.

The effective filing date of the cited reference to Baerlocher et al. is June 28, 2000. The present application claims priority to an U.S. provisional patent application having a filing date of October 17, 2000, less than four months later.

A declaration under 37 CFR §1.131 is enclosed that antedates the reference to Baerlocher et al. As stated in the enclosed affidavit under 37 CFR §1.131, the present invention was conceived and reduced to practice prior to June 28, 2000.

Exhibits A and B accompany the affidavit and are copies of the inventors' computer-aided drawing/design and a memorandum that provide factual evidence of the inventors' invention and diligence prior to June 28, 2000.

Since the Applicants' date of invention and reduction to practice is prior to June 28, 2000, the reference to Baerlocher et al. cannot be used as a reference against the present application. Applicants respectfully request that the 35 USC §102(c) rejection based the cited reference to Baerlocher et al. be withdrawn.

3. Rejection of claims 12-23, 25-27 and 29-35 under 35 USC §102(b) as being anticipated by Gutknecht (U.S. Patent No. 5,154,420).

Claims 12-23, 25-27 and 29-35 stand rejected under 35 USC §102(b) as being anticipated by Gutknecht. Applicants respectfully traverse the rejection.

Gutknecht appears to disclose a game apparatus that allows a player to play a game wherein the result of the game is determined by one of FOUR positions of a coin. Figure 1 of Gutknecht shows the four (button) positions representing a heads position **36**, a head-tail position **38**, a tail-head position **40**, and a tails position **42** (see **col 2:54-61**). Gutknecht appears to

disclose a quaternary game display and not binary game display. Therefore, Gutknecht does not disclose a binary game outcome.

Gutknecht further teaches away from using a binary game outcome as presented in the following portion of the Gutknecht specification.

Col 3:60 to Col 4:5 “Referring particularly to FIG. 7a, there is shown the front side of the coin with the word heads and the head of a human being along with a couple of olive branches. Referring particularly to FIG. 7d there is depicted the tail side of the coin with the word tails and an eagle shown on a perch. Besides the heads and tails configurations that can be obtained, the position of the outer member 58 could be in the heads position with the central member 54 being in the tails position as shown in FIG. 7b. Also, the outer member 58 could be in the tails configuration with the central member 54 in the heads configuration. *Therefore, there are four possibilities and only those four possibilities obtained when operating the gaming apparatus 10 of this invention.*” (Emphasis added)

In summary, Applicants submit that Gutknecht does not disclose or suggest key elements of Applicants’ invention involving use of a binary game outcome (independent claims 12 and 29, as well as related dependent claims). Gutknecht does not, therefore, anticipate Applicants’ claimed invention and Applicants respectfully request withdrawal of the 35 USC §102(b) rejection.

4. Rejection of claims 7 and 27 under 35 USC §103(a) as being obvious over Baerlocher et al. (U.S. Patent No. 6,315,664).

Claims 7 and 27 stand rejected under 35 USC §103(a) as being obvious over Baerlocher et al. Applicants respectfully traverse the rejection.

Applicants have addressed the Baerlocher et al. reference in Section (2) and rely on the declaration under 37 CFR §1.131 to remove the cited reference from consideration. Based on the discussion presented above regarding independent claims 1 and 12 (Section 2), from which

In re application of: Seelig et al.
Serial number: 10/811,104
Page 12

claims 7 and 27 are dependent, Applicants respectfully request withdrawal of the rejection under 35 USC §103(a).

Conclusion

Based on the arguments presented above, Applicants respectfully submit that the rejections have been overcome and request allowance of claims 1-8 and 10-36. Applicants also note that claim 9 has not been rejected under any of the cited references and assume that claim 9 is, therefore, allowable as written. If the Office has any questions regarding the application or this response, the Office is encouraged to call Applicants' attorney, Ian F. Burns, at (775) 826-6160.

Respectfully submitted,

/thomas j howell/

Thomas J. Howell, PhD.
Agent for Applicants
Registration No. 34,351